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C O N F I D E N T I A L SECTION 01 OF 02 SANTO DOMINGO 005786

SIPDIS

STATE FOR WHA/CAR AND PRM; GENEVA FOR REFUGEE OFFICER

E.O. 12958: DECL: 10/09/2013

TAGS: [DR](#) [IZ](#) [KU](#) [MARR](#) [PREF](#) [PREL](#)

SUBJECT: MFA LEGAL ADVISER ON REFUGEES, SOFA WITH KUWAIT,
ARTICLE 98

Classified By: DCM Lisa Kubiske for reasons 1.5 (b) and (d).

[11.](#) (C) Summary: MFA Legal Adviser Jorge Santiago told DCM (then-Charge) Kubiske October 9 that his office will begin full-time processing of a refugee case backlog before the end of the year and will soon submit to UNHCR a list of needed technical assistance and training for refugee contingency planning. He also asked about any assistance the USG might provide. DCM pressed Santiago for speedy conclusion of a SOFA with Kuwait, in connection with Dominican troops deployed in Iraq, but he expressed reservations about the Kuwaiti-proposed text. Embassy followed up with further explanation of the SOFA provisions. DCM also urged ratification of the GODR-USG Article 98 agreement, which Santiago said is awaiting receipt of comments from other government branches and civil society. End summary.

Refugee Planning and Processing

[12.](#) (C) The MFA legal adviser, Ambassador Jorge Santiago, in a meeting with DCM Kubiske (who was then Charge) and emboffs October 9, said he has "reactivated" the interagency National Commission on Refugees (CONARE), which he chairs. CONARE had been "inoperative" under the previous administration (1996-2000). He said UNHCR has recently agreed to provide technical assistance and training for contingency planning for potential massive refugee flows (Note: From Haiti or Cuba. End note.). CONARE plans to meet "in a few days" to agree on priorities for specific assistance/training requirements to submit to UNHCR. (Note: In a previous meeting with UNHCR reps, CONARE -- after strong urging -- agreed to submit this request by October 15. End note.)

[13.](#) (C) Santiago said his office has "three or four" lawyers to deal with international legal issues in the MFA, the presidency, and other agencies and is swamped with cases. Nonetheless, he plans to hire a "qualified" person to review refugee petitions full time and is currently recruiting. His goal is to process 200 cases by the end of CY 2003. (Note: Local UNHCR rep Sandrine Desamours had told us previously there are "at least 100 cases" awaiting a CONARE decision. End note.)

[14.](#) (C) The legal adviser said that in addition to UNHCR assistance, CONARE would be interested in any USG support that might be available. He said he had discussed this at the Department during a recent visit to Washington, when he also met with UNHCR. (Comment: Embassy will explore possibilities. End comment.)

SOFA with Kuwait

[15.](#) (C) With regard to the proposed status of forces agreement (SOFA) between Kuwait and the Dominican Republic in connection with the approximately 300 Dominican troops participating in Operation Iraqi Freedom (OIF), Santiago said that Kuwaiti comments on the GODR's proposed revisions to the draft text had been sent to the Dominican armed forces for their consideration. Santiago posed several objections to the Kuwaiti-proposed text. He also expressed interest in more U.S. input to the negotiation. (Note: Embassy's Military Assistance Advisory Group (MAAG) chief, at a follow-up meeting with Santiago on October 10, further explained the SOFA provisions. End note.)

[16.](#) (C) DCM urged that the SOFA be concluded within days to facilitate planned troop rotations, transit of TDY Dominican personnel through Kuwait, and any casualties. She noted that the three other Latin American nations participating in OIF had already signed similar SOFAs. She emphasized that the SOFA is a bilateral issue between Kuwait and the Dominican Republic and strongly encouraged the GODR to accept the Kuwaiti text.

Article 98 Agreement

[17.](#) (C) DCM urged prompt ratification of the Dominican Republic's already-signed Article 98 agreement with the United States. Santiago said he had advised President Mejia to submit the agreement to Congress for ratification only

after comments on the text were received from the Supreme Court, Congress, the Dominican Red Cross, and NGOs. These opinions would then be attached to the agreement and sent to the President, with a recommendation regarding ratification. Santiago offered to send us a copy of a GODR interim internal report on the agreement. DCM reiterated U.S. interest in timely ratification. (Comment: We will follow up as necessary to ensure this happens. End comment.)
HERTELL